

**BOARD OF COMMISSIONERS OF MACOUPIN COUNTY, ILLINOIS
RESOLUTION NO. 2023- _____**

**RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF
A DECOMMISSIONING AND SITE RECLAMATION, AND A DECOMMISSIONING BOND
TO BE ENTERED INTO BY MACOUPIN COUNTY, ILLINOIS AND LOTUS WIND, LLC
(Lotus Wind Project)**

WHEREAS, on April 10, 2023, Lotus Wind, LLC, a Delaware limited liability company, (“Applicant” or “Lotus Wind”) filed an application (the “Application”) pursuant to the applicable provisions of Macoupin County’s Ordinance No. O-2023.02: Wind Energy Conversion Systems Siting Regulations Ordinance (“WECS Ordinance”), Section 5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020) and the Illinois Open Meetings Act (5 ILCS 120), including the wind farm regulatory amendments to the Illinois Counties Code as set forth in recently enacted Public Act 102-1123, seeking siting approval of the Application and issuance of a WECS Siting Approval Permit to construct and operate the Lotus Wind Project (the “WECS Project”); and

WHEREAS, the WECS Project consists of the construction and operation of a wind project of up to 45 turbines (52 permitted turbine locations to account for spare locations) -with a maximum height of up to 657 feet (200 meters) when the blade is in the up-most position located on approximately 16,650 acres of agricultural land in northern Macoupin County, Illinois. Depending on the type of turbines selected, the anticipated number of turbines to be constructed will range from 34 to 45 up to 204 MW. The WECS Project will be a single-phase construction project. The WECS Project is roughly bounded by the Macoupin and Sangamon County lines to the north, Greene County to the west, State Route 4 to the east, and County Highway 12 to the south in portions of Scottville, North Palmyra, and North Otter Townships in Macoupin County. The WECS Project area is largely utilized for agricultural purposes. All wind turbines will be located on land currently used for growing crops, with each turbine and access road utilizing approximately up to 0.75 acres of land. Lotus Wind, landowners, their designees, and tenant farmers will use the access roads for agricultural purposes and wind turbine purposes. Other improvements include: underground 34.5 kilovolt (kV) electrical collector lines connecting the turbines to the collector substation (to be located in Macoupin County) and associated facilities; Light Detection and Ranging (LiDAR) systems to detect wind speed; an O&M Facility and office; one (1) ADLS radar tower; and temporary construction facilities such as a laydown yard and a concrete batch plant. The substation and the switching station for this WECS Project will be constructed in Macoupin County, Illinois and permit approval for that portion of the WECS Project will come from Macoupin County. The Application is on file with the County Clerk and is incorporated by reference herein; and

WHEREAS, at a public meeting conducted on May 23, 2023, and then continued to and completed on June 14, 2023 (the “Public Hearing”), the County Board of Macoupin County, Illinois (the “County Board” or “County”) considered Lotus Wind’s Application, and heard testimony from Lotus Wind and its consultants, the County consultants and the public and received into the public record written testimony and documents from Lotus Wind and its consultants, the County consultants and the public. After the close of the Public Hearing, the County Board approved Lotus Wind’s Application, subject to Lotus Wind complying with sixty-five (65) conditions set forth in ~~the~~ Macoupin County Ordinance No. O-2023.07 (Ordinance

Approving The Application For A Wind Energy Conversion System Siting Approval Permit Submitted By Lotus Wind, LLC For A Wind Energy Conversion System (“WECS”) Known As The Lotus Wind Project (“WECS Project”) (“WECS Siting –Approval Permit Ordinance”). The WECS Siting Approval Permit Ordinance contains the terms and conditions that govern the WECS Project plan review and approval process, development, construction, and operation, maintenance and decommissioning of the WECS Project; and

WHEREAS, in satisfaction of certain of those conditions in the WECS Siting Approval Permit Ordinance, Lotus Wind has submitted the following documents for approval by the County Board, which are attached hereto as **Group Exhibit “1”** and made a part hereof:

- A. Decommissioning and Site Reclamation Plan dated March 23, 2023 with a **revision date of _____, 2023** and prepared by Westwood Engineering;
- B. Decommissioning Bond (Performance and Payment Bond) in an **amount equal to \$_____** to be issued by Philadelphia Indemnity Insurance Company; and

WHEREAS, in conjunction with the WECS Siting Regulations Ordinance, the WECS Siting Approval Permit Ordinance, and the Agricultural Impact Mitigation Agreement dated February 23, 2023 (“AIMA”) entered into by Lotus Wind and the Illinois Department of Agriculture pursuant to the Wind Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147) and the applicable provisions of the Illinois Counties Code (55 ILCS 5/), as amended by Public Act 102-1123, the attached documents being approved under this Resolution are part of the regulatory documents that govern the obligations of Lotus Wind relative to siting development, construction, operation, maintenance and decommissioning of the WECS Project; and

WHEREAS, Lotus Wind has also entered into certain lease agreements (the “Lease Agreements”) with landowners of parcels in the County on which WECS Project improvements will be located (the “Landowners”), and which obligate Lotus Wind to perform certain decommissioning work and repair and restoration work relative to the construction, operation, maintenance, restoration and decommissioning of the WECS Project; and

WHEREAS, in accordance with the terms of the WECS Siting Regulations Ordinance, the WECS Siting Approval Permit Ordinance, the AIMA and the applicable provisions of the Illinois Counties Code (55 ILCS 5/), as amended by Public Act 102-1123, Lotus Wind is posting financial security with the County to ensure the performance of its decommissioning, repair and restoration obligations relative to the WECS Project as set forth in the attached Decommissioning and Site Reclamation Plan and the Decommissioning Bond (Performance and Payment Bond); and

WHEREAS, pursuant to the applicable provisions of the Illinois Counties Code (55 ILCS 5/), ~~as amended~~ as amended by Public Act 102-1123, the County Board of Macoupin County, Illinois has the authority to authorize and approve the execution of the Decommissioning and Site Reclamation Plan and the Decommissioning Bond (Performance and Payment Bond), and determine and find that it is in the best interests of Macoupin County, its residents, businesses, property owners and the public to authorize and approve the execution of the above-referenced documents attached to this Resolution as **Group Exhibit “1”**.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE MACOUPIN COUNTY BOARD OF COMMISSIONERS, MACOUPIN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Incorporation. Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

Section 2. Approval and Execution of Decommissioning and Site Reclamation Plan and the Decommissioning Bond (Performance and Payment Bond). The County Board of Macoupin County, Illinois, approve and authorize the execution of the following documents to be entered into by the County and Lotus Wind-, LLC, which are attached hereto as Group Exhibit "1" and made a part hereof:

- A. Decommissioning and Site Reclamation Plan dated March 23, 2023 with a **revision date of _____, 2023** and prepared by Westwood Engineering; and
- B. Decommissioning Bond (Performance and Payment Bond) **in an amount equal to \$ _____** to be issued by Philadelphia Indemnity Insurance Company.

Section 3. Execution of Final Versions of Decommissioning and Site Reclamation Plan and the Decommissioning Bond (Performance and Payment Bond) and Related Documents. In addition, the County Board of Macoupin County, Illinois, authorizes and directs the Chairman and Clerk (or their designees) to execute the final versions of the attached Group Exhibit "1" documents, which may contain certain non-substantive and non-financial modifications that are approved by the County Attorney, and further authorizes and directs the Chairman and Clerk (or their designees) to execute such other documents as are necessary to fulfill the County's obligations under the attached Group Exhibit "1" documents.

Section 4. Delivery of Certified Resolution and Documents. The County Clerk, or his/her designee, is directed to place a certified copy of this Resolution on file in the Office of the County Clerk of Macoupin County, Illinois, and shall also send a certified copy of the Resolution to Lotus Wind, LLC.

Section 5. Effective Date. This Resolution shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

PASSED by a majority vote of the County Board of Macoupin County, Illinois, at a **Regular / Special Meeting [Select One]** thereof, held on the ___ day of _____, 2023, and signed by Larry Schmidt, Chairman/County Board Member, on the same day.

By: _____ Date: _____, 2023.
Larry Schmidt, Chairman

ATTESTED

By: _____ Date: _____, 2023.
Pete Duncan, County Clerk

Certification of Roll Call Vote of County Board Members of Macoupin County, Illinois on next page.

Certification of Roll Call Vote of County Board Members of Macoupin County, Illinois Relative to Ordinance No. O-2023.____: An Ordinance Approving The Application For A Wind Energy Conversion System Siting Approval Permit Submitted By Lotus Wind, LLC For A Wind Energy Conversion System (“WECS”) Known As The Lotus Wind Project (“WECS Project”):
IS THIS SUPPOSED TO BE THE NAME OF THIS RESOLUTION?

____ Aye / Nay ____

Larry Schmidt, Chairman

____ Aye / Nay ____

Ryan Kilduff, County Board Member

____ Aye / Nay ____

Gordon Heuer, County Board Member

____ Aye / Nay ____

Matthew Acord, County Board Member

____ Aye / Nay ____

Holly Klausung, County Board Member

____ Aye / Nay ____

Jon C. Payne, County Board Member

____ Aye / Nay ____

Kristi Dunnagan, County Board Member

____ Aye / Nay ____

Ross Adden, County Board Member

____ Aye / Nay ____

John Blank, County Board Member

____ Aye / Nay ____

Leann Barr, County Board Member

____ Aye / Nay ____

Mark Dragovich, County Board Member

____ Aye / Nay ____

Aaron Stayton, County Board Member

____ Aye / Nay ____

James Ibberson, County Board Member

____ Aye / Nay ____

Harry Starr, County Board Member

____ Aye / Nay ____

Todd Armour, County Board Member

____ Aye / Nay ____

Bernard Kiel, County Board Member

____ Aye / Nay ____

Robert “Tony” Wiggins, County Board Member

____ Aye / Nay ____

Molly Rosentreter, County Board Member

Vote Certification: _____

Pete Duncan, County Clerk

Date: _____, 2023

Group Exhibit "1"

- A. Decommissioning and Site Reclamation Plan dated March 23, 2023 with a **revision date of _____, 2023** and prepared by Westwood Engineering.
- B. -Decommissioning Bond (Performance and Payment Bond) in an **amount equal to \$_____** to be issued by Philadelphia Indemnity Insurance Company.

(attached)

STATE OF ILLINOIS)
) SS
COUNTY OF MACOUPIN)

CLERK'S CERTIFICATE

I, Pete Duncan, Clerk of the County of Macoupin, Illinois, certify that the attached document is a true and correct copy of that certain Resolution now on file in my Office, entitled:

RESOLUTION NO. R-2023- _____

**A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF
A DECOMMISSIONING AND SITE RECLAMATION, AND A DECOMMISSIONING BOND
TO BE ENTERED INTO BY MACOUPIN COUNTY, ILLINOIS AND LOTUS WIND, LLC
(Lotus Wind Project)**

which Resolution was passed by a roll call vote of the County Board of Macoupin, Illinois, at a **Regular / Special** [Select One] County Board Meeting on the ___ day of _____, 2023, at which meeting a quorum was present, and approved by the Chairperson of the County Board –of Macoupin County, Illinois on the ___ day of _____, 2023.

I further certify that the vote on the question of the passage of said Resolution by the County Board of Macoupin County, Illinois was taken by Ayes and Nays and recorded in the minutes of the County Board of Macoupin County, Illinois, and that the result of said vote was as follows, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

I do further certify that the original Resolution, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Macoupin, this ___ day of _____, 2023.

Pete Duncan, County Clerk

[SEAL]